

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES K. JEFFERSON,

Defendant.

CASE NO. C19-0211-JCC

ORDER

This matter comes before the Court on attorney Steven C. Hathaway's motion to withdraw as counsel for Defendant James K. Jefferson (Dkt. No. 12). Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

On June 11, 2019, the Court held a status conference in this matter and required the parties to participate in mediation pursuant to Western District of Washington Local Civil Rule 39.1 no later than August 30, 2019. (*See* Dkt. No. 11.) The Government and Mr. Hathaway agreed on a mediation date of August 16, 2019, subject to Defendant's approval. (*See* Dkt. No. 12 at 2.) Subsequently, Mr. Hathaway made repeated unsuccessful attempts to contact Defendant in order to confirm the mediation date and discuss other issues related to the case. (*See id.*) On July 31, 2019, Mr. Hathaway filed the instant motion for leave to withdraw based on his inability

1 to effectively communicate with Defendant. (Dkt. No. 12.)¹

2 No attorney shall withdraw an appearance without leave of the Court if the withdrawal
3 will leave the client without representation. W.D. Wash. Local Civ. R. 83.2(b)(1). An attorney
4 will ordinarily be permitted to withdraw until 60 days before the discovery cut-off date. *Id.* The
5 decision to deny or grant counsel's motion to withdraw is within the discretion of the Court.
6 *Washington v. Sherwin Real Estate, Inc.*, 694 F.2d 1081, 1087 (7th Cir. 1982).

7 Trial is scheduled for June 8, 2020, and the discovery deadline is not until February 2020.
8 (Dkt. No. 11.) Therefore, Mr. Hathaway's motion is timely. Further, Mr. Hathaway's motion to
9 withdraw complies with the Local Rules' certification requirements. (*See* Dkt. No. 12 at 3);
10 W.D. Wash. Local Civ. R. 83.2(b)(1). Therefore, Mr. Hathaway's motion for leave to withdraw
11 as counsel for Defendant (Dkt. No. 12) is GRANTED. In accordance with the Court's order,
12 attorney Steven C. Hathaway and his firm, the Law Offices of Steven C. Hathaway, are
13 GRANTED leave to withdraw from representation and as counsel in this action for Defendant
14 James K. Jefferson, effective as of the date this order is issued. The Clerk is DIRECTED to mail
15 a copy of this order to Defendant James K. Jefferson at: 3373 Northgate Road, Bellingham, WA
16 98226.

17 DATED this 3rd day of September 2019.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE

¹ Defendant did not respond to Mr. Hathaway's attempts to contact him until August 8, 2019. (*See* Dkt. Nos. 12 at 2, 14 at 2.)